



## Lamoine Board of Selectmen

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### Minutes of November 20, 2008

Chair Jo Cooper called the meeting to order at 7:01 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., S. Josephine Cooper, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Assessors Jane Fowler, Terry Towne, Colene Sharkey; Kermit Theall, Kathleen DeFusco, Michael Jordan, Anna Osage (Pro Auto Center) and Ken Smith (Frenchman Bay Riders).

The meeting was televised on CTV channel 7 and recorded on DVD.

**Agenda Review** – Jo said she'd like to meet with the Board of Assessors for the first item after the automobile graveyard hearing. There was no objection.

**Automobile Graveyard Public Hearing** – Jo opened the hearing at 7:03 PM. Stu reported there had been no issues reported to the town office in the past year. Anna Osage of Pro Auto reported that owner Barry Norris intends to put up a fence at the yard in Marlboro to screen the vehicles from the road. She said that would be done in the spring. Jo showed the drawing of the automobile graveyard area and indicated where the fence would be. She asked how long vehicles typically stay in the yard. Ms. Osage said they clean them out periodically. Brett asked about the inspection by the Code Enforcement Officer. Stu said it's supposed to be done once, annually. Brett asked Ms. Osage if they keep vehicle records. She replied that they did. She said Mr. Norris does not like to have the yard very messy. The hearing closed at 7:06 PM

Jo moved to approve the renewals of both automobile graveyard permits by Pro Auto. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.** Selectmen signed the permits. Stu noted the conditions that have followed the permits for several years are stated on the latest permits.

**Meeting with Board of Assessors** – Jo said some issues came up during the budget meeting and the Selectmen wanted to touch base with the Assessors. Assessor chair Jane Fowler said she wasn't sure of how to present proposals for changing compensation. She said she's asking for a little bit of a raise for the Board to a total of \$4,350. She said the present pay is \$4,000 in total. She said the pay would be divided by the board when they meet, but envisioned \$1,600 for the chair, \$1,500 for the 2<sup>nd</sup> Assessor and \$1,250 for the 3<sup>rd</sup> Assessor.

Richard noted the Assessors are elected directly by the town and their compensation is set by a warrant article. Stu said the Selectmen write the article

to present to town meeting. Richard said he was in favor of the increase in compensation. A discussion followed about possibly having a separate article to set the assessors' pay. It was agreed to keep the language in the Administration article.

Assessor Terry Towne said he wanted to explain why an increase was sought. He said Mrs. Fowler does a huge amount of work and has done so for a long time. He said the town would pay a lot more money if a professional assessor were hired. He said that work should be recognized. He said the quarterly reviews are taking more time than the Board of Assessors thought they would. He said having the local board do that saves thousands of dollars. He said the quality of the assessments is better for doing them. He said the Assessors don't ask for mileage, but they could. Brett said the proposal sounds logical

Jo said she appreciates the work of the assessors. She said the current board has skills and asked if elected positions are working out OK. She asked if the positions should be appointed instead of elected. She said other towns do it various ways. A brief discussion followed regarding elected assessors.

Mrs. Fowler said she took courses when she was first elected as an assessor. A discussion about training followed. Mr. Towne said if the system isn't broken, it should not be fixed. Brett said he's not sure an appointed position would attract any different quality of personnel. He said the town is lucky to have people who want to do the job. He said at some point he fears that no one will want to do it and the town will have to spend money to hire it done. He asked how much that might cost. Mr. Towne estimated between \$40,000 and \$60,000. Jo said that number needs to be out there, as it will be a sticker shock if it happens.

Jo said the request from the Board of Assessors seems like a minimal increase. She asked if there could be another compensation model, perhaps for work being done on the quarterly review process. Mr. Towne said they could look at it. He said it's tough to compare because of the unknown levels of expertise and lack of a pay scale. A brief discussion followed.

Richard said the Assessors seem to have hit on what works for the Board. Jo said she's concerned for the long term. She said she appreciates the volunteerism and would rather have the funding available and it could be donated back to the town. Mrs. Fowler said there isn't a problem at this point. She said she did not want another \$1,000 for the quarterly review.

Cynthia said the discussion includes a number of contexts. She said people are giving a lot more to the job than expected. Brett said he wants an appreciation for the value of the work. Jo said she's trying to put the compensation on a

different level – determining what's reasonable. Mr. Towne said the job will hit a threshold when the population gets too big. He said there would be plenty of warning. Richard said there would come a time when nobody runs for a vacancy on the Board of Assessors. Jo said there could be an opportunity to address the work levels of each Board member. Brett asked at what population level the position would have to radically change. Mr. Towne estimated between 4,000 and 5,000.

**Tree Growth Penalties** – Brett said he finds the tree growth valuation laws fascinating. Mr. Towne explained the law is being used as an opportunity to lower property taxes, but said the land must be worked as a commercial forest. He said the matter needs to be looked at closely. He said he has learned a lot. He said a forester has looked over the plans recently submitted. Discussion of the requirements of a forest management plan followed.

Mr. Towne said a couple of plans have come in, but they were not real plans. He said the actual plans are confidential. A short discussion followed about the tree growth enrollment program

Mr. Towne said that in the last case the former owner of the land passed away and left the parcel to several heirs. He said new owners have one year to swear they will operate under the existing plan or to submit a new plan. He said in the present case all the heirs knew they had to submit an updated plan within a year. He said the ownership of the lot took a year or more to get squared away. He explained the key dates. He said instead of 12-months from the time of the transfer, the new tree growth management plans were submitted 18-months after the transfer. He said a new law requires that the local Board of Assessors give 60-days notice that the 10-year forest management plan is about to expire. He said the 10-year plan from the former owner expired, and the Board did not make notification of that date to the new owners, but they were not required to because the law had not changed.

Mr. Towne said when the new owners did reapply, the Assessors did not feel the plan met the statutory requirements. He said the Assessors are waiting to hear if that will be appealed. Brett asked whether a judge would end up reviewing the plan. Mr. Towne said the State Board of Property Tax Review would look it over first. He said the Board of Assessors has never had to discuss a forest management plan, and he's not sure how that would happen, and whether it would have to remain confidential. He said if one has land classified as tree growth, it has to be for commercial forest products, or it should not be there. He said the Assessors are protecting the town's assets.

Richard asked if the language clearly states that it must be for forest products. Mr. Towne said yes. Brett asked if the types of products are listed. Mr. Towne said yes. Richard asked whether there was a frequency of harvest required. Mr. Towne said there is no specific number – that would be contained in a plan. Richard said if the law is open to interpretation, the town has to be careful how it's read. A short discussion followed on forest management plan requirements, and whether a Christmas tree farm would work.

Mr. Towne said there have been several instances around the state where the forest management plan stated the objective was to lower taxes. Richard said he is philosophically opposed to how tree growth has become twisted from the original legislative intent, but every person has a right to seek the classification until the law changes. Mr. Towne said he agreed, as long as people follow the law. Richard said timber properties in some part of the state are going into private ownership. A short discussion about state law followed.

Mr. Towne said the Board of Assessors plans to look at the land classified in tree growth, the forest management plans and whether they are being followed. Brett asked how many acres in Lamoine are classified as tree growth. Stu said about 300-this year. Mr. Towne said the applications will be studied. He said the Assessors have drawn a line, and they have to make sure everybody is to that line. Richard cautioned the board to be careful. He said the Assessors may know it's for a tax benefit, but if the plan and application meet the letter of the law, the Assessors can't deny it. Mr. Towne said he agreed, and he had no intention of trying to get into someone's brain. Mrs. Fowler said she hasn't seen the other management plans. Brett asked what the review would entail. Mr. Towne said they have to set the values per acre of land depending on what rate and what types of trees are involved. A short discussion followed.

Richard asked if gravel pits are classified as open space. Mr. Towne said they are not – to be classified as open space a conservation easement or similar document needs to be filed. Richard said he'd had a question about gravel land owners being taxed stumpage fees for their lots. A short discussion followed.

Brett said he was curious about the penalty and how it was calculated. Mr. Towne said it's contained in state statute, and Mrs. Fowler explained the calculation.

Jo asked if there were any other issues. Mrs. Fowler asked to cheer for the Board of Assessors if they have to go to Augusta. Mr. Towne said there is no joy in sending someone a big bill for a tree-growth penalty. Richard asked if the across-the-board review takes place and the Assessors find non-compliance would there be a penalty right out of the box, or would the landowners be given

time to comply. Mr. Towne said the Assessors would have to review the laws. A short discussion followed on the potential for surprising tree growth penalty amounts. Stu reported that all the penalties imposed have been paid.

**Request of Frenchman Bay Riders Snowmobile Club to limit access** – Ken Smith of the snowmobile club said the clubhouse is on town property. He said the land had originally been leased from the Whitcomb family which owns the balance of the land in the area. He said the trails have traditionally been used by snowmobiles, and now ATV's have been using them aggressively. He said a recent development is use by motor vehicles. He showed photos of vandalism done to the club house, tires and debris being dumped, and the impact of motor vehicles on the trails. He said the club is concerned, and they want to continue to have access to the trails, but if use by the vehicles continues, they fear landowners could deny anyone using the trails.

Mr. Smith said there have been a lot of cases of vehicles using the trails, and the snowmobile club wants to see if they could block access to the trails beyond the building. He said they've talked to the Whitcomb sisters who own the land and to Tony Beardsley (the town attorney and a cousin to the Whitcombs), and they would allow boulders and a gate to be placed across the road so long as they are provided access. He said it would be a benefit to the Whitcombs as well. He said Bangor Hydro Electric has need to access the area as power lines do come down the trail. He said the gate and boulders would be configured so they would not block the traditional snowmobile and ATV use. He said the installation would not be completed until John Goodwin does a similar thing to his end. A short discussion followed about the property layout. Mr. Smith said the goal is to limit access by motor vehicles that go beyond the clubhouse and dump out debris.

Brett said all of the area is not very far from Blunt's Pond, and he brought up a gate when discussing the Branch property. He asked who the point person for a key would be. Mr. Smith said only Bangor Hydro would need a key. He said the fire department could use bolt cutters. He said the gate/boulders would be located just after the clubhouse, and would be on town property. He said the Whitcombs have approved the move. A discussion followed about the road and access to the land.

Jo said the proposal seems like an obvious solution and she would be happy to approve the request. A discussion followed on whether the Board has jurisdiction. Jo moved to approve the request. Brett asked who would pay for the work and the gate. Mr. Smith said it would not be the town. A discussion followed on who's using the access trails/roads, and whether they have a right to use them. Michael Jordan said John Goodwin told him he has no problem with ATV's and dirt bikes using his land, so long as they don't do damage.

Richard said there could be liability issues with the gate and the road. He said any gate needs to be well marked. Cynthia 2<sup>nd</sup> Jo's motion. **Vote in favor was 4-0.**

**Minutes – October 30, 2008** – Richard said there were a couple of typos. He moved to approve with the corrections. Jo 2<sup>nd</sup>. **Vote in favor was 4-0.**

November 6, 2008- Richard said he picked up one typo, though he was not present. Cynthia moved to approve with the correction. Jo 2<sup>nd</sup>. **Vote in favor was 3-0, Fennelly abstained.**

**Expenditure Warrant 11** – Selectmen signed expenditure warrant 11 for \$248,572.79. Stu noted that it grew significantly from the packet version because of transfers to the investment management accounts. Cynthia asked about whether any contract re-negotiation with Nankervis has taken place. Stu said he had not heard back from Nankervis. A short discussion followed.

Jo noted that payment for Christmas wreaths from Kelco Industries was in the warrant. Kathy DeFusco said she would be at the town hall on December 1, 2008 from 9AM to 6PM for pickups.

**Cash & Budget Report** – Jo noted that the Veterans' Memorial balance due is \$3,995. Stu noted that now that the audit is complete, the 4<sup>th</sup> page of the report showing the impact on fund balances is available. Richard asked about the town hall renovation and fire truck payment fund balances. Stu reported the town hall project may have some straggling bills, but nothing significant. He said the fire truck was paid off early, and that saved a few hundred dollars in interest that could be closed into the fire truck reserve fund.

**Checking account reconciliation** – Selectmen signed the statement expressing satisfaction with their review of the checking account reconciliation. Richard asked about the East Lamoine Cemetery check which still has not been cashed after a re-issue. Stu said he would check with their treasurer.

**Bulky Waste Account write-off** – Jo moved to approve an order writing off as uncollectible four outstanding accounts. Brett 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the order.**

**Audit management letter** – Jo moved to sign the letter to Jim Wadman Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0, Jo signed the letter.** A short discussion followed on valuation of roads as fixed assets.

**Software upgrade.** Stu reported that the database software that's been used for the past 10-years or so is showing some age as it was designed for a different operating system. He said he was not sure which options would work the best and deferred to Brett on the potential uses. Brett suggested using a trial version of the software upgrade before purchasing.

**Resignation – Budget Committee** – Jo moved to accept, with regret, the resignation of Linda Feury as an alternate member of the Budget Committee. Richard 2<sup>nd</sup>. **Vote in favor was 4-0.** Selectmen signed a letter thanking Ms. Feury for her service. The Board asked Stu to advertise for another alternate. Stu said one person has already expressed interest.

**School Consolidation** – Brett said he's spoken with several people including principal Val Perkins, Fire Chief Skip Smith, and School Board chair Christina Maguire-Harding about delineating the school/fire house lot. He said the school committee will talk about it at the next school board meeting. He said they may not need a site visit. There was a brief discussion about parking for the fire department.

Jo noted the referendum is December 9<sup>th</sup> (not October as erroneously printed in the agenda). There was a lengthy discussion about state budget cuts to General Purpose Aid to Education, and politics surrounding the consolidation vote.

### **Other**

Mrs. DeFusco noted the curbing was in for the Veterans Memorial

Richard asked if it was costing the town money to recycle. A short discussion followed on whether it was still economically beneficial to recycle.

**Next Meeting** – Jo said the next Selectman's Meeting will be December 4<sup>th</sup>.

**Budget Workshop** – Selectmen asked Stu to plug in the compensation figures suggested by the Board of Assessors

It was noted that the Hardware/Software line and the capital expenditures lines both contained new computer equipment and should be fixed.

There was a discussion about roads.

After a suggestion from Richard, Selectmen asked to include \$4,000 in the capital budget for an outhouse at the transfer station with the goal of eliminating

the porta-potty, believing an out-house would pay for itself in a short period of time.

There were brief discussions about street signs, road number displays, revenues, the code enforcement budget, the road fund balance and the cost of liquid asphalt.

Stu said the Budget Committee meets on December 1, 2008.

There being no further business, the meeting adjourned at 9:10 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.

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